IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5332 OF 2006
(Shri Deorao s/o Paikuji Lambat vs. State and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D. SINHA AND
SMT. VASANTI A. NAIK, JJ.

DATED : DECEMBER 17, 2007

Heard Shri Randive, learned Counsel for the petitioner, Shri Deopujari, learned Assistant Government Pleader for the respondent no.1 and Shri Mishra, learned Counsel for the respondent no. 3.

Shri Randive, learned Counsel for the petitioner, states that in the instant petition, the grievance of the petitioner is basically in respect of amount of gratuity paid to the petitioner, which was only Rs. 50,000/- though petitioner is entitled for amount much more than Rs.50,000/-.

Shri Mishra, learned Counsel for the respondent no.3, states that at the

relevant time, the amount of gratuity was calculated in view of Section 4(3) of the Payment of Gratuity Act, 1972 and, therefore, the amount of Rs.50,000/- was paid to the petitioner. However, at later point of time, the said Section was amended and, therefore, respondent no.3 shall re-calculate the amount due and payable to the petitioner in view of the said amendment and disburse the amount within a period of six weeks, if there is no other legal impediment in doing so.

In the backdrop of the above referred facts, cause of action in the petition does not survive. The petition is disposed of.

JUDGE JUDGE

khj